

REMARKS

I. Status of the claims

Claims 4-18 were previously canceled.

Claims 1-3, and 19-23 are pending.

II. Applicant has evidence and will provide it to overcome Goodwin et al.

The examiner has rejected claims 1 and 19-23 under §102(e) as being anticipated by Goodwin et al., (U.S. 7,211,259). Applicant is submitting affidavits executed by Dr. Byoung Kwon, the inventor of the application captioned-above and by Dr. Kack Kim, for examiner's consideration for a priority showing under 37 CFR 41.202(d)(1).

In summary, as illustrated in the enclosed affidavits and the accompanying exhibits from which the dates have been redacted, applicant states that prior to May 7, 1993, degenerate primers were designed to obtain human 4-1BB cDNA sequence and the full-length human 4-1BB cDNA sequence information was used to design specific primers for directional cloning of a human 4-1BB DNA fragment in an expression vector. In addition, the nucleic acid molecules encoding the human 4-1BB protein including the extracellular portion, were cloned in expression vectors and the protein products were purified for subsequent analysis.

III. Applicant requests allowance of claims 2 and 3.

The examiner indicated that claims 2 and 3 are allowable on page 3 of the Office Action. Applicant requests allowance of claims 2 and 3.

The examiner is welcome to contact the applicant's representative for any clarification or questions. The Commissioner is hereby authorized to charge any additional amounts as necessary, or to credit any overpayments, to our Deposit Account No. 12-0913, with reference to our matter number 29920-77259.

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